IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 3460 of 1997

Between:

Mr. Ch. Venkateswarlu,

The Management of the Employer of Bus No. AAN 2511,

Kavali, Nellore Dist.

..... PETITIONER

AND

1 The Labour Court, Guntur,

rep. by its Presiding officer

2 P.Kotaiah,
C/o. General Secretary, Nellore District lorry Workers Union, Nellore.

3 The Government of A.P., rep. by its Secretary, In-charge Labour,
Secretariat, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue notice call for the records and quash the and set a side the Award made in I.D.No. 84 of 1993 dated 1.5.1995 on the file of the Hon'ble Labour Court, Guntur By issuing a writ of Certiorari or any other appropriate writ order or direction as the Hon'ble Court deems fit and proper in the circumstances of the case and to allow the writ petition.

Counsel for the Petitioner : MR.P.NAGESWAR SREE, Advocate

Counsel for the Respondents : MR.P.RAGHAVENDRA REDDY, Advocate

The Court made the following :

ORAL ORDER:

This Writ Petition is filed by the petitioner aggrieved by the Award of the Labour Court, Guntur – 1st respondent in I.D.No. 84 of 1993, dated 1.5.1995.

2. The preliminary objection of the writ petitioner – Management is that no notice was served by the Labour Court before passing the impugned award.

3. At the time of hearing it is also pointed out that the workman described the respondent as Management of the Employer of Bus No.AAN 2511, Kavali, Nellore District. No individual, who is the owner of the bus was impleaded as respondent in the Industrial Dispute raised before the Labour Court. Therefore, it is stated that no notice was served and no opportunity was given to the petitioner-management. Therefore, the Award as passed is unsustainable.

4. The learned counsel appearing for the 2nd respondent-workman, on the other hand, contended that the writ petitioner is not disputing the relationship of the workman with the Management. Therefore, the Award passed is to be sustained.

5. Heard the learned counsel for both the parties, and considered the material on record.

6. Prima facie the Industrial Dispute ought not to have been entertained by the Labour Court, as the respondent as shown is not an individual or a legal entity against which an Award could be passed. Further, as it is alleged that no notice was served on the writ petitioner to give an opportunity before passing the impugned award, and as it is very clear from the cause title before the Labour Court, no notice could be served on the respondent, as per the description given. Therefore, the impugned order is liable to be set aside.

7. Accordingly, the impugned award is set aside, and the matter is restored to the file of the Labour Court, with a direction to the 2nd respondent-workman to implead the writ petitioner as respondent in the Industrial Dispute by properly amending the

cause title, and thereafter, the Labour Court is directed to issue notice to the management, and pass appropriate orders after hearing both sides and giving an opportunity in accordance with law.

8. The Writ Petition is accordingly allowed to the extent indicated above.

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S.Ananda Reddy, J.

Dt. 16.09.2004

Kvh

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Labour Court, Guntur,

rep. by its Presiding officer,

2. The Government of A.P., rep. by its Secretary, In-charge Labour, Secretariat, Hyderabad

3. Two CD Copies.

THE HON'BLE MR. JUSTICE S. ANANDA REDDY

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W.P.No. 3460 of 1997

ORAL ORDER

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